IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5156 OF 2004

Faruque Md. Ismail Kalyani
and others ... Applicants

versus

State of Maharashtra ... Respondent

...

Mr. Nitin Pradhan with Mr. V.V. Purwant, for the Applicants.

Mr. S.R. Shinde, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

30th November 2004

P.C.:

. Heard Counsel for the parties. My attention is invited to order passed by this Court on 12th November 2004 in the cases of Ratankumar Avad Sing and others v. State of Maharashtra and Rajendra Shivshankar Lokhande and others v. State of Maharashtra, annexed at Exhibit D of the paper book of this Criminal Application. One of the reasons which weighed

with this Court while releasing the other accused on bail is that the maximum sentence for the alleged offence is 7 years subject to minimum sentence of three months. The Applicants are in custody since 25th October 2004. Learned A.P.P. on instructions of the investigating officer fairly states that the investigation in relation to the present Applicants is complete. If it is so, the Applicants can be released on bail by imposing strict conditions. Conditions which I propose to impose are acceptable to the Applicants, as is submitted through their Counsel. Hence, the following order.

(a) The Applicants are enlarged on bail in connection with CR No. 41/2004 registered with Solapur Taluka Police Station on executing personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand) each with two local sureties in the like amount.

(b) The Applicants shall not tamper with the prosecution evidence nor shall influence the prosecution witnesses in any manner whatsoever.

(c) The Applicants shall regularly report to the investigating officer once in fortnight on Saturday between 10 a.m. to 1 p.m. or on such other day and time as may be required by the investigating officer.

(d) The Applicants shall extend full co-operation for early disposal of the trial. If the trial Court is of the opinion that the Applicants are responsible for the delay in disposal of the trial, that fact may be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)